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| 10/786,392 | 02/26/2004 | Yuichiro Kota | NITT.0201 | 2874 | | | | | | | | | | | | | | |
| 7590 REED SMITH LLP Suite 1400 3110 Fairview Park Drive Falls Church, VA 22042 | | 12/27/2007 | <table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">WEST, LEWIS G</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2618</td><td></td></tr><tr><td colspan="2"><table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>12/27/2007</td><td>PAPER</td></tr></table></td></tr></table> | | EXAMINER | | WEST, LEWIS G | | ART UNIT | PAPER NUMBER | 2618 | | <table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>12/27/2007</td><td>PAPER</td></tr></table> | | MAIL DATE | DELIVERY MODE | 12/27/2007 | PAPER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,392

Applicant(s)

KOTA ET AL.

Examiner

Lewis G. West

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2 pages.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Shimamura (US 2004/0204202).

Regarding claim 1, Shimamura discloses a portable information terminal comprising a first body, a second body, and a slide mechanism for coupling the two bodies so that the two bodies are slidable in a direction, wherein, the slide mechanism couples the first body and the second body so as to take a first state where the second body overlaps the rear of the first body with a behind/front positional relationship, and a second state where the two bodies are moved away from each other in the direction, the first body in the first state includes a portion not overlapped by the second body at one end in the direction, and a camera unit is provided in the portion not overlapped. [Figs. 1A-B, 2A-C; paragraphs 0032-0037, 0041]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura in view of Wicks (US 6128475).

Regarding claim 2, Shimamura discloses the portable information terminal according to claim 1, but does not expressly disclose the shape. Wicks discloses a terminal wherein the first body and the second body are respectively formed so as to gradually become thicker in depth direction from one side to the other side along the direction, and thick parts and thin parts of the two bodies are respectively arranged in the behind/front positional relationship, and the slide mechanism couples the first body and the second body so that the thick part of the first body is movable toward the one side, and the thick part of the second body is movable toward the other side opposed to the one side. [Figs. 1-3; Col. 3 lines 1-24]

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the cited shape, as changes in shape are not patentable distinctions, but obvious design choices as dictated by MPEP 2144.04:

B. Changes in Shape

In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) (The court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.).

Regarding claim 3. Shimamura discloses a portable information terminal comprising a first body, a second body, and a slide mechanism for slidably coupling the two bodies, wherein, each of the first body and the second body constitutes a thin and flat body where a dimension in height direction is larger than a dimension in depth direction, as well as the dimension in width direction is larger than the dimension in height direction, the slide mechanism couples the first body and the second body so that an entire body is in both the first state where the two bodies are overlapped, and the second state where the two bodies are extended, the first body and the second body respectively include portions not overlapped in the first state, and the first body is provided with a camera unit in the portion not overlapped in the first state [Figs. 1A-B, 2A-C; paragraphs 0032-0037, 0041], but does not disclose the claimed proportions. Wicks disclose a terminal wherein, a thin and flat body has an outer appearance that the dimension in the depth direction becomes gradually thinner from one end to the other end in the width direction. [Figs. 1A-B, 2A-C; paragraphs 0032-0037, 0041] Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a thin and flat body has an outer appearance that the dimension in the depth direction becomes gradually thinner from one end to the other end in the width direction as changes in shape are not patentable distinctions, but obvious design choices as dictated by MPEP 2144.04 B (see full citation above)

Regarding claim 4, the combination of Shimamura and Wicks discloses the portable information terminal according to claim 3, wherein, the body is provided with an operation button of the camera unit along the width direction. [Shimamura, 0041]

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura in view of Wicks (US 6128475) further in view of Ikeuchi (US 7,076,058)

Regarding claim 5, the combination of Shimamura and Wicks discloses the portable information terminal according to claim 3, but does not expressly disclose the specific speaker arrangement. Ikeuchi discloses a terminal wherein, the first body comprises a first speaker section arranged at a position opposed to the camera unit, and a second speaker section arranged at a portion of the second body not overlapped in the first state. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have multiple speaker locations for ease of use given the adjustable nature of the device, as a matter of obvious design choice.

Regarding claim 6, the combination of Shimamura, Wicks and Ikeuchi discloses the portable information terminal according to claim 5, wherein, the first body is provided with a display section and a function keys section, and the display section and the function keys section are arranged between the first speaker section and the second speaker section.

Regarding claim 7, Shimamura discloses a portable information terminal comprising a first body, a second body, and a slide mechanism for slidably coupling the two bodies, wherein, each of the first body and the second body constitutes a thin and flat body where a dimension in height direction is larger than a dimension in depth direction, as well as the dimension in width direction is larger than the dimension in height direction, the slide mechanism couples the first body and the second body so that an entire body is in both the first state where the two bodies are overlapped, and the second state where the two bodies are extended, the first body and the

second body respectively include portions not overlapped in the first state, and the first body is provided with a camera unit in the portion not overlapped in the first state [Figs. 1A-B, 2A-C; paragraphs 0032-0037, 0041], but does not disclose the claimed proportions. Wicks disclose a terminal wherein, a thin and flat body has an outer appearance that the dimension in the depth direction becomes gradually thinner from one end to the other end in the width direction. [Figs. 1A-B, 2A-C; paragraphs 0032-0037, 0041] Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a thin and flat body has an outer appearance that the dimension in the depth direction becomes gradually thinner from one end to the other end in the width direction as changes in shape are not patentable distinctions, but obvious design choices as dictated by MPEP 2144.04 B (see full citation above). Shimamura also does not expressly disclose the specific speaker and keypad arrangement. Ikeuchi discloses a terminal wherein, the first body comprises a first speaker section arranged at a position opposed to the camera unit, and a second speaker section arranged at a portion of the second body not overlapped in the first state. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have multiple speaker locations and an accessible keypad for ease of use given the adjustable nature of the device, as a matter of obvious design choice.

Regarding claim 8, the combination discloses a portable information terminal according to claim 7, wherein, the second body is provided with an operation button of the camera unit along the width direction. [Shimamura, 0041]

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura in view of Wicks (US 6128475) further in view of Ikeuchi (US 7,076,058) further in view of Official Notice.

Regarding claim 9, the combination discloses a portable information terminal according to claim 7, but does not expressly disclose a battery. Examiner takes Official notice that it was notoriously obvious to one of ordinary skill in the art at the time of the invention that a battery would be necessary to provide the phone with power. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a battery for power and to include it on the backside where not inputs were located so the battery would not cause separation between inputs and circuitry.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lewis G. West
Primary Examiner
Art Unit 2618